

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Rock Ferrone and Rock)	
Airport of Pittsburgh, L.L.C.,)	
)	
Plaintiff)	
)	Civil Action No. 05-303
v.)	Judge Donetta W. Ambrose/
)	Magistrate Judge Sensenich
DAN ONORATO, individually and)	
officially, DENNIS DAVIN,)	
Individually and Officially,)	Re: Doc. # 23
and ALLEGHENY COUNTY,)	
)	
Defendants)	

ORDER

On March 9, 2005, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on May 19, 2006, recommended that the Defendants' Motion to Dismiss (Doc. # 18) be granted as to Counts II and III, denied as to Count I, and denied without prejudice as to Counts IV, V, VI, VII and VIII.

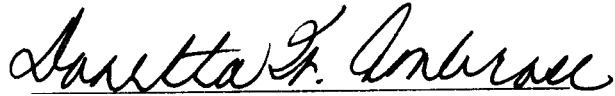
The parties were allowed (10) days from the date of service to file objections. Service was made on all parties. Objections have not been filed to the Report and Recommendation.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and objections thereto, the following order is entered:

AND NOW, this 13th day of June, 2006;

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss is granted as to Counts II and III, denied as to Count I, denied without prejudice as to Counts IV, V, VI, VII and VIII.

The Report and Recommendation of Magistrate Judge Sensenich, dated, May 19, 2006 is adopted as the opinion of the Court.


DONETTA W. AMBROSE
United States District Judge

cc: Ila Jeanne Sensenich
United States Magistrate Judge

Electronically:

Gianni Floro, Esquire
510 Third Avenue
Pittsburgh, PA 15219

Michael H. Wojcik, Esquire
Caroline Liebenguth, Esquire
Allegheny County Law Department
300 Fort Pitt Commons
445 Fort Pitt Boulevard
Pittsburgh, PA 15219